

## United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Milton I. Shadur	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	01 C 1478	DATE	9/19/2002
CASE TITLE	Jose Rodriguez vs. The Texan, Inc.		

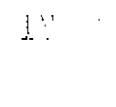
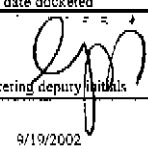
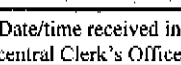

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

**MOTION:**

--

**DOCKET ENTRY:**

(1)	<input type="checkbox"/>	Filed motion of [ use listing in "Motion" box above.]
(2)	<input type="checkbox"/>	Brief in support of motion due _____.
(3)	<input type="checkbox"/>	Answer brief to motion due _____. Reply to answer brief due _____.
(4)	<input type="checkbox"/>	Ruling/Hearing on _____ set for _____ at _____.
(5)	<input type="checkbox"/>	Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
(6)	<input type="checkbox"/>	Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
(7)	<input type="checkbox"/>	Trial[set for/re-set for] on _____ at _____.
(8)	<input type="checkbox"/>	[Bench/Jury trial] [Hearing] held/continued to _____ at _____.
(9)	<input type="checkbox"/>	This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to] <input type="checkbox"/> FRCP4(m) <input type="checkbox"/> Local Rule 41.1 <input type="checkbox"/> FRCP41(a)(1) <input type="checkbox"/> FRCP41(a)(2).
(10)	<input checked="" type="checkbox"/>	[Other docket entry] Enter Supplement to Memorandum Opinion and Order. This supplement simply draws the parties' attention to an opinion from our Court of Appeals (SNA Nut Co. v. Haagen-Dazs Co., Inc., Nos. 00-4052 and 00-4100, 2002 WL 31007701, at *5 (7 <sup>th</sup> Cir. Sept 9)).
(11)	<input checked="" type="checkbox"/>	[For further detail see order attached to the original minute order.]

<input type="checkbox"/>	No notices required, advised in open court.	<div style="text-align: center;">             SN         </div>	<div style="text-align: center;">             SN         </div>	<div style="text-align: center;">             Date/time received in central Clerk's Office         </div>	<div style="text-align: center;">             44         </div>
<input type="checkbox"/>	No notices required.				
<input checked="" type="checkbox"/>	Notices mailed by judge's staff.				
<input type="checkbox"/>	Notified counsel by telephone.				
<input type="checkbox"/>	Docketing to mail notices.				
<input type="checkbox"/>	Mail AO 450 form.				
<input type="checkbox"/>	Copy to judge/magistrate judge.				
<input type="checkbox"/>	Courtroom deputy's initials				

SEP 20 2002

date docketed

docketing deputy initials

9/19/2002

date mailed notice

SN

mailing deputy initials

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

DOCKETED

SEP 20 2002

JOSE RODRIGUEZ, etc., et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 01 C 1478
	)	
THE TEXAN, INC.,	)	
	)	
Defendant.	)	

SUPPLEMENT TO MEMORANDUM OPINION AND ORDER

This Court's September 13, 2002 memorandum opinion and order ("Opinion") addressed the motions in limine that had been filed by plaintiffs' counsel following the entry of the jointly submitted Final Pretrial Order ("FPTO") in this case. This supplement simply draws the parties' attention to an opinion from our Court of Appeals (SNA Nut Co. v. Häagen-Dazs Co., Inc., Nos. 00-4052 and 00-4100, 2002 WL 31007701, at \*5 (7<sup>th</sup> Cir. Sept. 9)) that, although handed down earlier in the week in which the Opinion was issued, had not been delivered to this Court's chambers before that ruling.

As to plaintiffs' third motion (Dkt. 38-1), which had addressed the permissibility of defendant's advancing any potential argument stemming from plaintiffs' status as illegal aliens, the Opinion pointed in part to the absence of any reference by defendant to such an argument or defense in the FPTO. That ruling has been totally validated by SNA Nut, which states in relevant part:

44

We have previously noted that a pretrial conference and a pretrial order are vital parts of the procedural scheme created by the Federal Rules of Civil Procedure. See Gorlikowski v. Tolbert, 52 F.3d 1439, 1443 (7th Cir.1995). Further, "[b]ecause the parties rely on the pretrial conference to inform them precisely what is in controversy, the pretrial order is treated as superceding the pleadings and establishes the issues to be considered at trial." Id. at 1443-44. Moreover, the whole purpose of pretrial conferences and orders "is to clarify the real nature of the dispute at issue[;] a claim or theory not raised in the pretrial order should not be considered by the fact-finder." Id. at 1444 (quotations omitted). While this result may seem harsh, pretrial orders help to prevent protracted litigation due to changing theories and arguments such as those that we are encountering in this case.



---

Milton I. Shadur  
Senior United States District Judge

Date: September 19, 2002